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FILED

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NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

:
Administrative Action
:

WILLIAM KYUNG PAE YU, D.C.
License No. 38MC00507000

:
FINAL ORDER OF DISCIPLINE
:

TO PRACTICE CHIROPRACTIC
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Chiropractic Examiners upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Respondent, William Kyung Pae Yu, D.C., is a chiropractic physician in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On February 15, 2011, Respondent pleaded guilty in the Superior Court of New Jersey, Bergen County, and was convicted of the crime of theft by deception in violation of N.J.S.A. 2C:20-4.

3. Respondent admitted under oath that between March 14, 2007 and January 22, 2010, he had submitted claims to insurance companies for x-ray services that were not performed, and for dates of treatment to patients that were not rendered, in amounts totaling more than \$500 but less than \$75,000.

4. On or about April 1, 2011, Respondent was sentenced to serve thirty (30) days in the Bergen County Jail followed by three (3) years' probation.

5. On April 26, 2012, Respondent appeared before the Preliminary Investigation Committee of the Board to provide testimony under oath regarding not only his conviction, but also his treatment and billing for patient G.Y. in 2008.

6. Respondent's testimony disclosed that he cooperated with a patient to commit fraud by inflating the patient's treatment record -- signing in and out for the patient, and billing for x-rays and office visits that did not occur. (T*9:7 to 11:6)

7. Respondent acknowledged that the letterhead used in his practice, although bearing the abbreviation "Dr." below his signature, bore no indication that he is a chiropractor, contrary to N.J.S.A. 45:9-14.5(b), [now N.J.S.A. 45:9-41.19(b)]. (T43:19 to 45:15).

8. In addition, Respondent admitted that his notes, recorded for patient G.Y., were legible only to him and would not permit another practitioner to adequately

*"T" indicates the transcript of Respondent's testimony before the Preliminary Investigation Committee of the Board on April 26, 2012.

continue the patient's treatment in his absence; (T40:16 to 41:25), contrary to the requirements of N.J.A.C. 13:44E-2.2(a).

9. Respondent testified that he rendered a "report of findings" to patient G.Y. for an MRI of her cervical spine and an MRI of her lumbar spine, which was verbal and took a "couple minutes." He did not perform the MRIs. Without checking the fee schedule to ascertain the requirements for a report of findings, on the advice of a colleague Respondent billed \$500.00 for each report, for a total of \$1000.00, (T19:6 to 24:17), an excessive charge, contrary to N.J.A.C. 13:44E-2.11.

CONCLUSIONS OF LAW

1. Respondent's conviction provides grounds for the suspension of his license to practice chiropractic in New Jersey, pursuant to N.J.S.A. 45:1-21(f), in that Respondent has been convicted of a crime involving moral turpitude and relating adversely to the practice of chiropractic.

2. The above findings of fact provide grounds for the imposition upon Respondent of disciplinary action pursuant to N.J.S.A. 45:9-14.5(b), [now N.J.S.A. 45:9-41.19(b)] in that he used the title doctor or its abbreviation in the practice of chiropractic without it being qualified by the word "chiropractor," [nor by the words: "doctor of chiropractic, chiropractic physician," or its abbreviation, "D.C."].

3. The above findings of fact provide grounds for the imposition upon Respondent of disciplinary action pursuant to N.J.S.A. 45:1-21(h), in that Respondent failed to create and maintain adequate contemporaneous patient records for G.Y. in

violation of N.J.A.C. 13:44E-2.2(a), and submitted claims for services to G.Y. containing excessive fees in violation of N.J.A.C. 13:44E-2.11.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending Respondent's license to practice chiropractic in the State of New Jersey; requiring that he take and pass twelve hours of continuing education in record keeping; requiring that he take and pass the jurisprudence examination; requiring that he take and unconditionally pass an approved ethics seminar; and requiring that he pay the costs of the Board's investigation, was issued on December 20, 2012, and was mailed to counsel for Respondent, with a copy directly to Respondent.

The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law, by submitting a written request for modification or dismissal, setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor. No response to the provisional order has been received to date.

Having considered the matter in light of Respondent's failure to provide the Board with any response to the provisional order; and the Board having determined that further proceedings are not necessary; the Board has determined that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 28th day of February, 2013,
ORDERED that:

1. Respondent's license to practice chiropractic in the State of New Jersey shall be suspended for a period of three (3) years; with the initial one (1) year period to be served as an active suspension and the remaining two (2) year period of suspension shall be stayed, and become a period of probation. The stayed period of suspension shall be activated upon a showing of Respondent's non-compliance with any of the terms and conditions set forth herein. Respondent shall be required to appear before the Board (or a committee thereof) prior to the completion of the period of active suspension to demonstrate his fitness to be returned to active practice.

2. During the period of active suspension, Respondent shall successfully complete and pass: (a) twelve (12) credit hours of record keeping; and (b) the New Jersey Board of Chiropractic Examiners jurisprudence examination. Respondent shall secure prior approval of the Board for the specific course(s) proposed to satisfy paragraph 2 (a). Such course(s) shall be in addition to the regularly required continuing education hours.

3. Respondent shall fully attend, successfully complete and unconditionally pass the ProBE (Professional Problem Based Ethics) course offered by: The Ethics Group, 89 Summit Avenue, Suite 185, Summit, New Jersey 07901, or the PRIME (Professional Renewal in Medicine through Ethics) course offered by the Center for Continuing Education in the Health Professions at UMDNJ-Robert Wood Johnson Medical School, 97 Paterson Street, Room 124, New Brunswick, New Jersey 08903, or

an alternative course in ethics pre-approved by the Board, during the period of probation and shall provide documentation thereof to the Board.

4. Respondent is hereby assessed the costs to the State of the investigation in this matter in the amount of \$545.50. Payment for the costs shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to the Board no later than thirty (30) days from the entry of this Consent Order. Payment shall be sent to Lisa Affinito, Executive Director of the Board of Chiropractic Examiners, at 124 Halsey Street, Sixth Floor, P.O. Box 45004, Newark, New Jersey 07101.

5. The Directives of the Board, applicable to any licensee of the Chiropractic Board who is actively suspended, revoked, or whose surrender of licensure has been accepted are incorporated by reference as though fully set forth herein, whether or not they are attached hereto.

NEW JERSEY STATE BOARD
OF CHIROPRACTIC EXAMINERS

By: 

Albert Stabile, Jr., D.C.
Board President